

REMARKS

Status Summary

Claims 1-20 and 22-23 are pending in the present application. In this amendment, no claims are added or canceled. Therefore, upon entry of this amendment, claims 1-20 and 22-23 will remain pending.

Claim Rejection – 35 U.S.C. § 103

Claims 1-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,324,409 to Shaffer et al., (hereinafter, “Shaffer”), in view of U.S. Patent No. 7,240,000 to Harada, (hereinafter, “Harada”), and further in view of U.S. Patent Application Publication No. 2010/0305943 to Witzel et al. (hereinafter, “Witzel”). Claims 18-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,600,738 to Alperovich et al., (hereinafter, “Alperovich”), in view of Harada, and further in view of Witzel. Claims 22 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Alperovich in view of Harada, in view of Shaffer, and further in view of Witzel. These rejections are respectfully traversed.

Independent claim 1 recites a communication apparatus that includes a first interface for exchanging data with a first neighboring entity and a second interface for exchanging data with a second neighboring entity. The communication apparatus further includes a memory for storing codec information regarding said communication apparatus and a control entity operative to detect, after a call is established, a first message from the first neighboring entity via the first interface, the first message being indicative of codec information regarding an originating entity. In response to detection of the first message, the control entity performs an assessment

of compatibility between the codec information regarding the originating entity and the codec information regarding said communication apparatus. In response to the assessment of compatibility being positive, the control entity self-identifies the communication apparatus as a candidate for terminally supporting a, subsequent codec-bypass negotiation with the originating entity. In response to the assessment of compatibility being negative, the control entity self-identifies the communication apparatus as a candidate for non-terminally supporting a subsequent codec-bypass negotiation with the originating entity. Independent claims 16, 17, and 22 recite similar elements.

The Examiner concedes that Shaffer and Harada fail to disclose detecting, after a call is established, a first message from the first neighboring entity via the first interface, the first message being indicative of codec information regarding an originating entity. (See page 5 of the Official Action.) Applicants respectfully agree. However, the Examiner contends that Witzel teaches this feature. (See page 5 of the Official Action.)

It is respectfully submitted that Witzel is not prior art because its earliest priority date is Oct. 19, 2006. The present application claims priority to February 23, 2004. As indicated during a telephone conference with the Examiner on May 6, 2011, applicant's representative, Wesley A. Sheffield, the foreign application priority data of Witzel citing Finnish Application No. 20011715 dated August 27, 2001 is in error. Finnish Application No. 20011715 contains a different specification, figures, title, and has no inventor in common with Witzel. Therefore, Finnish Application No. 20011715 cannot support the PCT application over five years later to which Witzel

claims priority. During the telephone conference, the Examiner agreed that the foreign application priority data of Witzel was in error and that Witzel was not prior art.

Alperovich likewise fails to teach identifying a target in-path gateway and establishing a codec-bypass connection after a call is established. The Examiner concedes that Alperovich fails to disclose establishing a codec-bypass connection between the first gateway and the target in-path gateway. (See page 13 of the Official Action.) Therefore, it is submitted that Alperovich also necessarily fails to disclose when the codec-bypass connection is established (i.e., establishing a codec-bypass connection after a call is established). Accordingly, it is respectfully submitted that the rejection of claims 18-20 as unpatentable over Alperovich in view of Harada should be withdrawn.

Accordingly, for the reasons set forth above, it is respectfully submitted that the rejection of claims 1-20 and 22-23 as unpatentable over Shaffer variously in view of Harada, Witzel, and Alperovich should be withdrawn.

CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

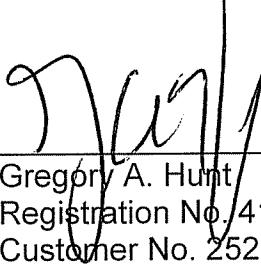
DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,
JENKINS, WILSON, TAYLOR & HUNT, P.A.

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By:



Gregory A. Hunt
Registration No. 41,085
Customer No. 25297

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